THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22123 of 1994

Dated:18.1.2007

Between
P.V.Radha Krishna

.....Petitioner

and

1. Director of Sugar & Cane
Commissioner, Andhra Pradesh
Hyderabad and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.22123 of 1994

ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to the proceedings in Rc.No.15/94-95/Estt/B1 dated 15.6.1994 on the file of the 2nd respondent and to quash the same as arbitrary and illegal.

It appears that the petitioner joined the services of the Amadalavalasa Co-operative Sugars Limited, Amadalavalasa in 1976 as Cane Inspector. His probation was declared in the said category. In the year 1989, he approached the Industrial Tribunal for implementation of minimum wages as per the direction of the Director of Sugar & Cane Commissioner. Later, he filed a writ petition before this Court and the same was allowed. Since then, he was subjected to victimization by the

Management. Thus, he had to work under stress and mental unrest. In a moment of mental unrest, he tendered resignation on 19.5.1994 to the 3rd respondent. Immediately on 23.5.1994 he withdrew the same by filing a letter and thereafter he was paid salary. However, on 15.6.1994 he received communication stating that his resignation was accepted by the Management. Aggrieved by the same, the present writ petition is filed.

A detailed counter affidavit has been filed by the respondents asserting that the Management is not responsible for the petitioner's failure to prosecute his further studies. After tendering resignation, the petitioner did not submit any representation, dated 23.5.1994 withdrawing his resignation as alleged by him. He has not sent any such representation and it is only an after thought. In fact, the Management kept the resignation letter for 22 days without acceptance, thereafter it was accepted. Further, no salary was paid for the period when he was not in the service of the factory on his

resignation. The petitioner tendered his resignation voluntarily and the same was duly accepted after waiting for about 22 days. The petitioner approached the District Collector through the grievance cell, for which the Management stated all the facts and as such the acceptance of resignation was confirmed. The petitioner also approached the in-charge Minister, who ultimately observed that the resignation of the petitioner was voluntary and further action was dropped. The petitioner has no lien for the post that was holding before his resignation.

It is the contention of the petitioner that once the representation is submitted on 23.5.1994 withdrawing the resignation dated 19.5.1994, the question of accepting the resignation on 15.6.1994 does not arise.

No rejoinder is filed to the counter.

From the above, it is clear that the resignation of the petitioner, dated 19.5.1994 was accepted

only on 15.6.1994 and the letter of withdrawal of resignation purported to have been submitted by the petitioner on 23.5.1994 was not received by the Management at any point of time. Further, the resignation letter, dated 19.5.1994 simply says that "I am tendering my resignation for the post of Assistant Agricultural Officer. Kindly accept my resignation". However, the purported letter of withdrawal dated 23.5.1994 says that "Due to mental suffering and hurry mood, I was submitted resignation (reference No.1). Now I relinquished and represented the Honourable authority to kindly cancel the resignation letter dated 19th May, 1994 and to drop further action for which act I shall be thankful to you sir". But the said withdrawal letter has not reached the Management. Therefore, the Management had taken a decision and accepted the resignation tendered by the petitioner on 15.6.1994.

Further, it may be noticed that by an interim order dated 30.12.1994 in WPMP No.27535 of 1994

this Court directed the 1st respondent to consider the representation dated 20.8.1994 made by the petitioner and dispose it of in accordance with law within four weeks from that date. In the counter, it is asserted that in pursuance of the interim order passed by this Court, the representation was disposed of with an observation that the petitioner does not deserve any mercy and that even on humanitarian grounds also it was not a fit case for showing lenience.

Therefore, I am of the opinion that the Management has not committed any illegality or irregularity calling for interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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18-01-2007

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